REMARKS

Claims 1-7 are pending. Claim 1 has been amended. Claims 6 and 7 have been added. No new matter has been added. Reexamination and reconsideration of the application are respectfully requested.

In the Office Action dated March 23, 2006 (hereinafter referred to simply as the "Office Action"), the Examiner rejected claims 1-5 under 35 U.S.C. 102(a) as being anticipated by Ichihashi (GB 2,353,442 A, hereinafter referred to as "Ichihashi"). As discussed in more detail hereinbelow, the above rejections are respectfully traversed with respect to the pending claims.

Claim 1, as amended, recites as follows (emphases added):

1.   A telecommunication terminal apparatus capable of giving a notification using a melody, comprising:

storage means configured to store musical composition data in which a plurality of starting points suitable for starting a performance are set;

point register means for storing information indicative of an arbitrary performance starting position of the musical composition data; and

musical tone-generating means responsive to an instruction for starting the notification using the melody, for reading out the musical composition data from said storage means and for reproducing the readout musical composition according to the information indicative of the performance starting position, stored in said point register means, to thereby start generating the melody from the arbitrary performance starting position of the musical composition data.

In rejecting claim 1, the Examiner asserts that (see Office Action, p. 2; emphases in original):

With respect to claim 1, Ichihashi discloses the telecommunication terminal apparatus capable of giving a notification using a melody, comprising: storage means **113** capable of storing musical composition data in which a plurality of starting points suitable for starting performance are set **page 6 line 1**; point register means **113** for storing information indicative of an arbitrary performance starting position of the musical composition data; and musical tone-generating means **112 page 5 lines 25-28** responsive to an instruction for starting the notification using the melody, for reading out the musical composition data from said storage means and for reproducing the readout musical composition according to the information indicative of the performance starting position, stored in said point register means, to thereby start generating the melody from the arbitrary performance starting position of the musical composition data.

The portion of Ichihashi that includes the section cited by the Examiner provides as follows:

A ringing tone generating section 112 for generating a ringing tone is connected to the control section 106. The ringing tone generating section 112 has a storage section 113 formed by a RAM (Random Access Memory) or ROM (Read Only Memory) in which a ringing tone, ringing tune, or original ringing tune is stored. *See* Ichihashi, p. 5, line 25 – p. 6, line 3.

However, in connection with the storage section 113, the reference goes on to provide as follows (Id., p. 6, lines 4-21):

As shown in Figs. 3A and 3B, the storage section 113 has a fixed storage capacity, and includes first to third areas 113a to 113c for storing an original ringing tune/ringing tune in certain units or individually storing original ringing tunes/ringing tunes.

Fig. 3A shows a case wherein tunes A1, A2, and A3 <u>constituting one original ringing tune A</u> are separately stored in the first to third areas 113a to 113c. In this case, the first and second areas 113a and 113b are filled to capacity with the tunes A1 and A2. <u>In the third area 113c, an end code SC is added</u> to the end of the stored tune A3.

Fig. 3B shows a case wherein <u>three original ringing tunes/ringing tunes A, B, and C are individually stored in the first to third areas 113a to 113c</u>. In the first to third areas 113a to 113c, end codes SC are respectively added to the ends of the stored ringing tunes A, B, and C.

First, contrary to the Examiner's assertion, neither the above-quoted passages, nor Figs. 3A and 3B of Ichihashi, with which the passages are associated, mention a word about storage means configured to store "musical composition data in which a plurality of starting points suitable for starting a performance are set", as recited in claim 1. Unfortunately, in the Office Action, the Examiner cites generically to the reference numeral 113 and to page 6, line 1 of Ichihashi, without specifying what, if anything, in the reference assertedly corresponds to the limitation of musical composition data having set therein "a plurality of starting points suitable for starting a performance."

In this regard, Figs. 3A and 3B of Ichihashi are directed to two embodiments. In the first, shown in Fig. 3A, a single tune is essentially broken up and stored in the three areas 113a-113c, wherein the end of the tune, which appears in the third area 113c, also includes an "end code SC". In the second embodiment, shown in Fig. 3B, three separate tunes A, B, and C are stored in the areas 113a-113c, respectively, with each tune including an end code SC. However, neither of the above-mentioned figures shows, and the reference does not otherwise disclose, teach, or even suggest, musical composition data having set therein "a plurality of starting points suitable for starting a performance."

At best, it may be argued that, in Fig. 3A, the beginning of area 113a designates a "starting point". This, of course, would be the case by default, since in Ichihashi, the tune always starts from the beginning. However, since areas 113a-113c, together, constitute the tune A, i.e., "a performance", as indicated by a single end code SC in area 113c, the embodiment of Fig. 3A includes, at most, a single "starting point". Thus, there is no plurality of starting points in the storage section 113 of Fig. 3A. In addition, it cannot be argued that the embodiment of

Fig. 3B includes a plurality of "starting points suitable for starting a performance" because, although it may be argued that there is one "starting point" at the beginning of each of the areas 113a-113c, these areas constitute three different tunes, i.e., performances. As such, Fig. 3B does not show a plurality of starting points suitable for starting a performance.

Second, even if it were assumed, *arguendo*, that Ichihashi does disclose the claimed storage means configured to store musical composition data in which a plurality of staring points suitable for starting a performance are set, the reference does not disclose or teach, in addition thereto, a "point register means for storing information indicative of an arbitrary performance starting position of the musical composition data". In connection with the "point register means" (i.e., the second) element of claim 1, the Examiner again simply cites to reference numeral 113 in Ichihashi, which is the same structure that, according to the Examiner, corresponds to the "storage means" (i.e., the first) element of claim 1.

However, if it is assumed, as has been done here for the sake of argument, that the storage section 113 corresponds to the claimed storage means, and that the information contained in the storage section 113 constitutes the musical composition data in which a plurality of staring points suitable for starting a performance are set, then there is simply no other structure left that would correspond to the point register means, and certainly no other information that would correspond to the information indicative of an arbitrary performance starting position of the musical composition data. Quite simply, Ichihashi does not meet the separate and distinct requirement in claim 1 that there be a point register means to store "information indicative of an arbitrary performance starting position of the musical composition data."

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Finally, and as a direct consequence of the shortcomings of Ichihashi in connection with the limitations of the first and second elements of claim 1, it is respectfully submitted that the third element of claim 1 is also not disclosed in, or taught by, Ichihashi. Once more, the Examiner simply cites to reference numeral 112 and p. 5, lines 25-28, without specifying how, if at all, each limitation recited in this element of the claim might be met by the reference. Thus, while reference numeral 112 designates a "ringing tone generating section", there is no disclosure, teaching, or even suggestion in Ichihashi of the tone generating section 112 "reproducing the readout musical composition <u>according to the information indicative of the performance starting position,</u> stored in said point register means", or "generating the melody <u>from the arbitrary performance starting position</u> of the musical composition data". Again, this shortcoming is not surprising given the absence in Ichihashi of the various limitations discussed above.

For all of the above-noted reasons, it is respectfully submitted that Ichihashi does not disclose, teach, or suggest <u>all</u> of the limitations of claim 1. As such, it is respectfully submitted that claim 1, as amended, distinguishes over the cited art and is in condition for allowance. The Applicant therefore respectfully requests that the rejection of claim 1 be withdrawn.

Claims 2-5 depend directly from claim 1. As such, it is respectfully submitted that claims 2-5 also distinguish over the cited art for at least the same reasons as those noted above in connection with claim 1. The Applicant therefore respectfully requests that the rejection of claims 2-5 be withdrawn as these claims are also believed to be in condition for allowance.

In connection with claims 2-5, it is noted that various of these claims distinguish over Ichihashi for other, additional reasons as well. For example, claim 2 recites (emphasis added):

2.   A telecommunication terminal apparatus according to claim 1, wherein said musical tone-generating means is responsive to an instruction for ending the notification using the melody, for stopping reproducing the musical composition data and for <u>writing information indicative of a reproduction stop position of the musical composition data</u> having been reproduced <u>and a starting point corresponding to a position closest to the reproduction stop position</u> among the plurality of starting points <u>into said point register means</u>.

Claim 3 recites similar limitations to those of claim 2. In rejecting claims 2 and 3, the Examiner cites to pages 7 and 8 of Ichihashi. However, the latter is devoid of any indication whatsoever of the tone-generating means <u>writing, into the point register means</u>, information indicative of "<u>a reproduction stop position of the musical composition data</u>" and "<u>a starting point corresponding to a position closest to the reproduction stop position</u> among the plurality of starting points".

Again, even assuming, *arguendo*, that Ichihashi even discloses a "point register means", it does not disclose, teach, or even suggest a tone-generating means for writing the indicated information into the point register means. In this regard, in connection with claim 2, the Examiner states that "the stop position is interpreted as the end pointer of the memory block containing the musical data". Similarly, in connection with claim 3, the Examiner states that "the rear position is interpreted as the end pointer location of the memory blocking [sic] containing the musical composition data". However, the inventions as claimed in claims 2 and 3 provide for a tone-generating means for dynamically stopping the melody, at any point during the performance, and writing the stopping point and/or a new starting point into the point register means. In contrast, the "end pointer" in Ichihashi is, by definition, pre-set.

As such, it should be no surprise that there is no disclosure whatsoever in Ichihashi of the tone-generating means "writing" the stopping point and/or a new starting point into a point

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register means, even assuming that the latter means <u>were</u> disclosed in the reference. It is therefore respectfully submitted that claims 2 and 3 distinguish over Ichihashi for the above-noted additional reasons.

New claims 6-7 have been added herein to further define various aspects of the instant invention. It is respectfully submitted that new claims 6 and 7 distinguish over the art, and are therefore in condition for allowance, for at least the same reasons as were discussed above with respect to claims 1-5.

It is believed that claims 1-5, as amended herein, as well as new claims 6-7, are in condition for allowance. If, for any reason, the Examiner finds the application other than in condition for allowance, the Examiner is requested to call one of the undersigned attorneys at the Los Angeles, California telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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